

Appl. No. 09/711,447
Docket No. 5388RDD
Amdt. dated 5/30/06
Reply to Office Action mailed on 3/13/06
Customer No. 27752

REMARKS/ARGUMENTS

Claim 1 has been amended herewith to remove the "about" term (see §112, below) and to recite the cyclodextrin element of Claim 8.

Claims 2-8 are cancelled without prejudice.

Claim 9 has been amended to depend from Claim 1. Claims 10-15 appear as in the original.

Claim 16 has been amended to depend from Claim 1. Claims 17-20 appear as in the original.

Claims 21 and 22 have been cancelled without prejudice.

Claim 23 has been amended and now depends from Claim 1.

Claims 24 and 25 are as in the original.

Claims 26-29 have been cancelled without prejudice.

Claims 1, 30, 31 and 32 have been amended to delete the "free of" recitation (see §112, below).

Claim 34 has been cancelled without prejudice.

New Claim 35 has been added. This recites that the composition of Claim 1 is "clear." Basis is found at page 9, line 28.

It is submitted that all amendments are fully supported and entry is requested.

Claims 1 (which, as amended, reads on original Claim 8, placed in independent form), 9-20, 23-25, 30-33 and 35 (New) are now under consideration.

Rejections Under 35 USC 112

Various claims stand rejected in the use of the "essentially free" and the "less than about 5" language, per the Office Action at page 3.

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By the amendments presented herewith, the claims now under consideration do not employ the language designated by the Examiner in making the §112 rejections. Accordingly, it is submitted that the rejections under §112 have been obviated.

For the record, however, Applicants do not thereby accede to the correctness of the rejections. Rather, it is submitted that one of skill in the art, having read the specification purposively, would be fully apprised of the scope of the claims.

Rejections Under 35 USC 103

Only Claims 1-3, 5-7, 21, 22 and 26-29 stand rejected under §103, for reasons of record at pages 4-5 of the Office Action.

In addition, Claim 34 stands rejected under §103, for reasons of record at pages 5-6 of the Office Action.

Inasmuch as 2, 3, 5-7, 21-22, 26-29 and 34 (i.e., claims rejected under §103) have been cancelled herewith, it is submitted that the rejections of those claims have been obviated.

Inasmuch as Claim 1 now recites the limitations of non-rejected Claim 8 (i.e., Claim 1 reads on Claim 8, but presented in independent form), it is submitted that Claim 1 and all remaining claims depending therefrom are in immediate condition for allowance.

Likewise, all other non-rejected claims remaining in the case fully meet §103 and are in immediate condition for allowance.

Double Patenting Rejections

Inasmuch as Claim 1 now recites the limitations of Claim 8, and since Claims 2-8, 28, 29 and 34 have been cancelled herewith, it is submitted that the obviousness-type double patenting rejections (Office Action pages 7-8) have been obviated. Withdrawal of the rejections on this basis is requested.

In light of the foregoing, it is submitted that all claims now under consideration are in condition for allowance. Early and favorable action is requested.

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Respectfully submitted,

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